

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

CR No. 11- 207-HZ

Plaintiff,

INDICTMENT

v.

SAMUEL CALEB MERTZ, and
JONALYNN GYPSIE NELSON

21 U.S.C. §§ 846, 841(a)(1),
841(b)(1)(A)(viii), 841(b)(1)(B)(viii),
841(b)(1)(C) and 853; 18 U.S.C. §§ 2,
922(g)(1), and 924(c)

Defendants.

THE GRAND JURY CHARGES:

COUNT 1:

[Conspiracy to Possess with Intent to Distribute Methamphetamine]

On or about March 31, 2011, in the District of Oregon, SAMUEL CALEB MERTZ and JONALYNN GYPSIE NELSON, defendants herein, did knowingly and willfully combine, conspire, confederate and agree with each other and with others both known and unknown to the Grand Jury, to possess with the intent to distribute methamphetamine, a Schedule II controlled substance, in an amount of 50 grams or more of actual methamphetamine in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(A)(viii).

COUNT 2:

[Possession with Intent to Distribute Methamphetamine]

On or about March 31, 2011, in the District of Oregon, SAMUEL CALEB MERTZ, defendant herein, did knowingly and intentionally possess with the intent to distribute 50 grams

or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii) and Title 18, United States Code, Section 2.

COUNT 3:
[Possession with Intent to Distribute Methamphetamine]

On or about March 31, 2011, in the District of Oregon, **JONALYNN GYPSIE NELSON**, defendant herein, did knowingly and intentionally possess with the intent to distribute 5 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii) and Title 18, United States Code, Section 2.

COUNT 4:
[Possession with Intent to Distribute Heroin]

On or about March 31, 2011, in the District of Oregon, **SAMUEL CALEB MERTZ**, defendant herein, did knowingly and intentionally possess with the intent to distribute heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT 5:
[Possession with Intent to Distribute Oxycodone]

On or about March 31, 2011, in the District of Oregon, **SAMUEL CALEB MERTZ**, defendant herein, did knowingly and intentionally possess with the intent to distribute oxycodone, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

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COUNT 6:

**[Carrying or Possessing a Firearm During and In Relation to,
and in Furtherance of, a Drug Trafficking Crime]**

On or about March 31, 2011, in the District of Oregon, **SAMUEL CALEB MERTZ**, defendant herein, knowingly carried and possessed a firearm, namely a Glock 17 handgun, with serial number PKZ610, during and in relation to, and in furtherance of the crimes: conspiracy to possess with the intent to distribute methamphetamine, (as alleged in Count 1), possession with the intent to distribute methamphetamine (as alleged in Count 2), heroin (as alleged in Count 4), and oxycodone (as alleged in Count 5), drug trafficking crimes for which he may be prosecuted in a court of the United States; all in violation of Title 18, United States Code, Sections 2 and 924(c)(1).

COUNT 7:

[Unlawful Possession of a Firearm]

On or about March 31, 2011, in the District of Oregon, **SAMUEL CALEB MERTZ**, defendant herein, having been convicted of a crime punishable by imprisonment for a term exceeding one year, specifically:

- A. Delivery of a Controlled Substance (Methamphetamine), on or about December 15, 2005, in the State of Oregon for Clackamas County Circuit Court, Case Number CR 051664;
- B. Unlawful Use of a Motor Vehicle, on or about December 15, 2005, in the State of Oregon for Clackamas County Circuit Court, Case Number CR 0500174;
- C. Delivery of a Controlled Substance (Methamphetamine), on or about November 1, 2005, in the State of Oregon for Multnomah County Circuit Court, Case Number 0507-33939;

did knowingly and unlawfully possess a firearm, to-wit: a Glock 17 handgun, with serial number PKZ610, which had previously been transported in interstate and foreign commerce; all in violation of Title 18 United States Code, Sections 2, 922(g)(1) and 924(a)(2).

CRIMINAL FORFEITURE ALLEGATION - CONTROLLED SUBSTANCES

As a result of committing the controlled substance offenses alleged in this indictment,

SAMUEL CALEB MERTZ and JONALYNN GYPSIE NELSON, defendants herein, shall forfeit to the United States pursuant to Title 21 United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts 1-5 of this Indictment.

CRIMINAL FORFEITURE ALLEGATION - FIREARMS

Upon conviction of a firearm offense alleged above in Counts 5 and 6, **SAMUEL CALEB MERTZ** shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in that offense, to-wit: a Glock 17 handgun, with serial number PKZ610, and all the ammunition associated with the firearm.

Dated this 24 day of May 2011.

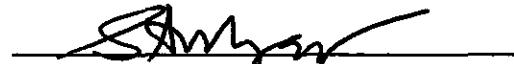
A TRUE BILL.



Presented by:

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